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California Rifle & Pistol Association,  
Incorporated

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

LANCE BOLAND, an individual;  
MARIO SANTELLAN, an individual;  
RENO MAY, an individual; JEROME  
SCHAMMEL, an individual;  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED, a  
California corporation;

Plaintiff,

v.

ROBERT BONTA, in his official capacity  
as Attorney General of the State of  
California; and DOES 1-10

Defendants.

Case No. 8:22-cv-01421-CJC(ADSx)

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
PLAINTIFFS' EX PARTE  
APPLICATION TO ALLOW  
REMOTE TESTIMONY OF  
STEPHEN HELSLEY, SALAM  
FATOHI, AND CLAYTON CRAMER**

## INTRODUCTION

Plaintiffs seek permission to allow Plaintiffs' expert witnesses Stephen Helsley, Salam Fatohi, and Clayton Cramer to appear and provide live testimony remotely via videoconferencing or, if necessary, telephone, at the preliminary injunction/evidentiary hearing on January 23, 2023. Plaintiffs have good cause for this ex parte request.

## ARGUMENT

### **I. GOOD CAUSE EXISTS FOR MESSRS. HELSLEY, FATOHI, AND CRAMER TO TESTIFY REMOTELY**

Ex parte relief is appropriate if the moving party seeks relief that cannot be addressed by a regularly noticed motion and will face prejudice if their application is denied, provided that the party is without fault in creating the problem that necessitated the request for ex parte relief. *In re ConAgra Foods, Inc.*, No. CV 11-05379-MMM (AGRx), 2014 U.S. Dist. LEXIS 194202 (C.D. Cal. Dec. 29, 2014).

This Court requested live testimony from parties and their expert witnesses on December 14, 2022. ECF No. 35. Three of the individuals that Plaintiffs wish to call as expert witness in this matter have indicated that the long distance travel from where they are located to the hearing would be unduly burdensome. First, Stephen Helsley informed Plaintiffs' counsel that he is currently suffering some physical-mobility limitations that will preclude his traveling significant distances. Declaration of Sean A. Brady in support of Plaintiffs' Ex Parte Application, ¶2. Second, Salam Fatohi, resides in Farmington Hills, Michigan, is traveling to Las Vegas, Nevada for work from January 15, 2023, through January 19, 2023, and needs to return to Michigan for work and personal matters on Friday, January 20. Having to travel back to California the following Sunday (two days later) through Monday would be extremely burdensome on both his work and family schedules. Brady Decl. ¶ 3. Finally, Clayton Cramer is unable to be in southern California on January 23, due to health conditions that could affect his ability to testify, which can be exacerbated by the long-distance travel to southern California from his home near Boise, Idaho. Brady Decl. ¶4.

1           Given the timing of the January 23 hearing and the recent finalization of these  
 2 individuals' agreements to serve as expert witnesses in this matter, a regularly noticed  
 3 motion for the relief requested herein was not possible. Brady Decl. ¶7.

4   **II. PLAINTIFFS' COUNSEL COMPLIED WITH THE CENTRAL**  
 5   **DISTRICT'S EX PARTE NOTICE REQUIREMENTS**

6           On January 17, 2023, Plaintiffs' counsel Sean A. Brady emailed Gabrielle Boutin,  
 7 the Deputy Attorney General handling this matter for the Attorney General, to inform her  
 8 that Plaintiffs would be seeking the herein requested ex parte relief. Brady Decl. ¶ 6. Ms.  
 9 Boutin informed Mr. Brady that Defendant does not oppose Plaintiffs' request. *Id.*

10                                   **CONCLUSION**

11           The Court should grant this request. Mr. Helsley's, Mr. Fatohi's, and Mr. Clayton  
 12 Cramer's testimony would be helpful to the Court and it should be allowed remotely.

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 15  
 16 Dated: January 18, 2023

MICHEL & ASSOCIATES, P.C.

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 18                                   /s/ Sean A. Brady  
 19                                   Sean A. Brady  
 20                                   *Counsel for Plaintiffs*  
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**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Boland, et al. v. Bonta*

Case No.: 8:22-cv-01421-CJC(ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:  
**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
PLAINTIFFS' EX PARTE APPLICATION TO ALLOW REMOTE TESTIMONY  
OF STEPHEN HELSLEY, SALAM FATOHI, AND CLAYTON CRAMER**  
on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General

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300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230

I declare under penalty of perjury that the foregoing is true and correct.

Executed January 18, 2023.

  
Christina Castron